REMARKS

Applicant has amended claim 25 and canceled claims 1-24 and 26-36 during prosecution of this patent application. Applicant is not conceding in this patent application that said amended and canceled claims are not patentable over the art cited by the Examiner, since the claim amendments and cancellations are only for facilitating expeditious prosecution of this patent application. Applicant respectfully reserves the right to pursue said amended and canceled claims, and other claims, in one or more continuations and/or divisional patent applications.

Claim 25 is amended to correct a clerical error and is not in response to any rejection herein of the pending claims.

The Examiner rejected claims 25 and 37 under 35 U.S.C. § 102(b) as allegedly being anticipated by Freund et al. (U.S. Patent Number 5,768,587).

Applicant respectfully traverses the § 102 rejections with the following arguments.

35 U.S.C. § 102(b)

The Examiner rejected claims 25 and 37 under 35 U.S.C. § 102(b) as allegedly being anticipated by Freund et al. (U.S. Patent Number 5,768,587).

Applicant respectfully contends that Freund does not anticipate claim 25, because Freund does not teach each and every feature of claim 25. Claim 25 recites 10 steps and Applicant next demonstrates that Freund does not teach 7 steps of the 10 recited steps.

As a first example of why Freund does not anticipate claim 25, Freund does not teach the feature: "said compliant processes running on the data processing system and said non-compliant processes running on a counterpart processing system that is coupled to the data processing system by a labile link" (emphasis added).

The Examiner alleges that Freund, col. 4, lines 1-16 teaches the preceding feature of claim 25.

In response, Applicant notes that Freund, col. 4, lines 1-16 recites: "the first transaction being managed by a first transaction manager, the protocols of said first transaction manager not being compliant with those of the resource manager, the system further including a second transaction manager, whose protocols are compliant with those of the resource manager".

Based on the Examiner's preceding citation of Freund, col. 4, lines 1-16, the issues are:

(1) whether the first and second transaction managers are each in different data processing systems (i.e., in the claimed "data processing system" and "counterpart processing system"; and

(2) whether the two data processing systems are coupled to each other by a labile link.

Applicant cites Freund FIG. 2 which depicts the first and second transaction managers as

embodied in the X/Open-Compliant Transaction Manager 115 and the DTC Transaction Manager 145, which coupled to each other by the DTC interface 260. See Freund, col. 7, lines 48-53 ("The X/Open-Compliant Transaction Manager 115 then passes the ax.sub.-- reg() registration call to the Mapper 248 which converts the call to a IResourceManager::Enlist call from the DTC interface. The Mapper 248 then passes the call to the DTC Transaction Manager 145 by means of the DTC interface 260").

As to issue (1), Applicant notes that both X/Open-Compliant Transaction Manager 115 and the DTC Transaction Manager 145 exist within the same data processing system 200 in Freund, FIG. 2. Thus, X/Open-Compliant Transaction Manager 115 and the DTC Transaction Manager 145 do not exist in separate systems of a data processing system and a counterpart data processing system, as required by the preceding feature of claim 25.

As to issue (2), Freund does not teach that the DTC interface 260 is a labile link, as required by the preceding feature of claim 25.

Therefore, Freund does not anticipate claim 25.

As a second example of why Freund does not anticipate claim 25, Freund does not teach the feature: "determining by the at least one extended resource manager (ERM), upon receipt of a backout request resulting from the execution of the compliant processes running on the data processing system and the non-compliant processes running on the counterpart processing system, compensation actions to transform the system resources into a mutually consistent state **that differs from** an initially consistent state of the system resources that existed prior to the execution of the non-compliant processes" (emphasis added).

The Examiner alleges that Freund, col. 6, lines 1-11 teaches the preceding feature of claim 25.

In response, Applicant notes that Freund, col. 6, lines 1-11 recites: "An overview of a transaction executing in the system of FIG. 2 will now be given. The Application Program 190 initiates a transaction which is managed by the DTC Transaction Manager 145. The transaction uses resources which are managed by the Resource Managers 120, 130. The Application Program 190 asks the DTC Transaction Manager 145 to complete the transaction. The DTC Transaction Manager 145 ensures that the resources involved in the transaction are in a consistent state and terminates the transaction, indicating to the Application Program 190 whether the transaction was committed or rolled back" (emphasis added).

The preceding quote from Freund, col. 6, lines 1-11 demonstrates that either a commit (if all processes are compliant) or a roll back (if at least one process in non-compliant) must result from any transaction in Freund. In fact, the entire disclosure of Freund makes it clear that the only two possible results from a transaction are a commit and a roll back, and that a roll back is performed in response to a non-compliant process in performance of the transaction.

However, Freund, col. 1, lines 55-58 recites: "Commit causes the resources to be updated while roll-back causes all work to be discarded returning the resources **to the state they were in upon transaction initiation**."

Thus, Freund does not teach "compensation actions to transform the system resources into a mutually consistent state **that differs from** an initially consistent state of the system resources that existed prior to the execution of the non-compliant processes" as required by claim 25, since a roll back transforms the system resources into **the state that existed upon**

trabsaction initiation (as demonstrated by the preceding quote from Freund, col. 1, lines 55-58).

Therefore, Freund does not anticipate claim 25.

As a third example of why Freund does not anticipate claim 25, Freund does not teach the feature: "determining by the at least one **extended resource manager (ERM),** upon receipt of a backout request resulting from the execution of the compliant processes running on the data processing system and the non-compliant processes running on the counterpart processing system, compensation actions to transform the system resources into a mutually consistent state that differs from an initially consistent state of the system resources that existed prior to the execution of the non-compliant processes" (emphasis added).

The Examiner alleges that Freund, col. 6, lines 1-11 teaches the preceding feature of claim 25.

In response, Applicant notes that the preceding feature of claim 25 requires the extended resource manager (ERM) to receive the backout request resulting from execution of the compliant processes and to determine the recited compensation actions. The Examiner alleges that the Application Program represents the extended resource manager (ERM) (see office action, page 3, lines 17-18). However, the Examiner's citation of Freund, col. 6, lines 1-11 does not teach that the Application Program receives the backout request resulting from execution of the non-compliant processes (as required by claim 25), but rather teaches that the Application Program asks the DTC Transaction Manager 145 to complete the transaction (i.e., the Application Program asks the DTC Transaction Manager 145 to perform the backout request in response to a non-compliant process).

Therefore, Freund does not anticipate claim 25.

As a fourth example of why Freund does not anticipate claim 25, Freund does not teach the feature: "wherein the changes to the system resources resulting from the execution of the non-compliant processes **cannot be backed out** to transform the system resources from the mutually inconsistent state to the initially consistent state due to the labile link and associated communication problems between the data processing system and the counterpart processing system".

The Examiner alleges that Freund's abstract teaches the preceding feature of claim 25.

In response, Applicant asserts that Freund's abstract does not teach that "the changes to the system resources resulting from the execution of the non-compliant processes **cannot be backed out** to transform the system resources from the mutually inconsistent state to the initially consistent state".

In further response, Applicant asserts that Freund does not anywhere teach that "the changes to the system resources resulting from the execution of the non-compliant processes **cannot be backed out** to transform the system resources from the mutually inconsistent state to the initially consistent state".

To the contrary, Freund, col. 12, lines 7-13 teaches: " If either the X/Open-Compatible Resource Manager 120 or the OLE Resource Manager 130 or any other participants in the transaction have indicated that they cannot commit, or if any of the participants fails to respond, the X/Open-Compatible Transaction Manager 145 **causes the changes to be rolled back in each of the resource managers**" (emphasis added). Similarly, see Freund, col. 12, lines 34-36.

Therefore, Freund does not anticipate claim 25.

As a fifth example of why Freund does not anticipate claim 25, Freund does not teach the feature of a first step of recording information and a second step of determining the compensation actions.

wherein the first step of recording information is recited in claim 25 as follows: **"recording information, by an information recording service**, concerning the compensation actions performed during the execution of the non-compliant processes"; and

wherein the second step of determining the compensation actions is recited in claim 25 as follows: "determining ... the compensation actions **on the basis of the information recorded by the information recording service**" (emphasis added).

The Examiner argues that Freund, col. 12, lines 34-53 teaches the first step of recording information, and that Freund, col. 12, lines 6-15 teaches the second step of determining the compensation actions.

In response, Applicant notes that Freund, col. 12, lines 34-53 teaches recording information in rollback records. However, Freund, col. 12, lines 6-15 does not teach the second step of determining the compensation actions on the basis of the information recorded in the rollback records described in Freund, col. 12, lines 34-53, as required by the preceding feature of claim 25.

Therefore, Freund does not anticipate claim 25.

As a sixth example of why Freund does not anticipate claim 25, Freund does not teach the

feature: "backing out the changes to the system resources resulting from execution of the compliant processes **before performing the compensation actions**, resulting in generation of misaligned logically-correlated data associated with the task" (emphasis added). Applicant notes that the compensation actions serve to compensate for the non-compliant processes, as recited in the step of determining compensation actions in claim 25 which was discussed *supra*.

The Examiner alleges that Freund, col. 12, lines 34-53 teaches the preceding feature of claim 25.

In response, Applicant next describes the logic of Freund, FIG. 6, a portion of which relates to the Examiner's citation of Freund, col. 12, lines 34-53.

Step 610 of Freund, FIG. 6 determines whether the outcome of the transaction is commit or roll back, as described in Freund, col. 12, lines 6-16. The commit result from compliant processes and the roll back results from non-compliant processes, as explained *supra*.

If step 610 determines that the outcome of the transaction is commit, then the commit is performed by steps 612, 614, 616, 618, 620, 622 as described in Freund, col. 12, lines 17-33.

If step 610 determines that the outcome of the transaction is roll back, then the roll back is performed by steps 630, 632, 634, 636, 638, 640 as described in Freund, col. 12, lines 34-53.

Freund does not teach that the commit (steps 612, 614, 616, 618, 620, 622 is performed **before** the) roll back (steps 630, 632, 634, 636, 638, 640), as required by the preceding feature of claim 25.

Therefore, Freund does not anticipate claim 25.

As a sixth example of why Freund does not anticipate claim 25, Freund does not teach the

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feature: "after completion of said backing out and before performing the compensation actions, rendering the misaligned logically-correlated data public to other tasks".

The Examiner alleges that Freund, col. 12, lines 34-53 teaches the preceding feature of claim 25.

In response, Applicant notes that Freund, col. 12, lines 34-53 teaches recording information in rollback records. However, Freund, col. 12, lines 34-53 does not teach specifically what information is recorded in the rollback records. Therefore, Freund, col. 12, lines 34-53 does not teach that the misaligned logically-correlated data is recorded in the rollback records. Moreover, Freund, col. 12, lines 34-53 does not teach that the rollback records are rendered public to other tasks.

Therefore, Freund does not anticipate claim 25.

As a seventh example of why Freund does not anticipate claim 25, Freund does not teach the feature: "performing the compensation actions **after** said rendering the temporarily misaligned logically-correlated data public to other tasks" (emphasis added).

The Examiner alleges that Freund, col. 12, lines 34-53 teaches the preceding feature of claim 25.

As explained *supra* in conjunction with the sixth example, Freund, col. 12, lines 34-53 does not teach rendering the temporarily misaligned logically-correlated data public to other tasks, and therefore cannot teach performing the compensation actions after said rendering.
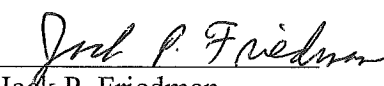
Therefore, Freund does not anticipate claim 25.

Based on the preceding arguments, Applicant respectfully maintains that Freund does not anticipate claim 25, and that claim 25 is in condition for allowance. Since claim 37 depends from claim 25, Applicant respectfully maintains that claim 37 is likewise in condition for allowance.

CONCLUSION

Based on the preceding arguments, Applicant respectfully believes that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicant invites the Examiner to contact Applicant's representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account 09-0457 (IBM).

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